

Response to Office Action Mailed March 27, 2003

A. Claims In The Case

Claims 1-32, 52, 54, 62-67 and 74 have been rejected. Claims 1-32, 52, 54, 62-67 and 74 have been cancelled. Claims 81-159 have been added. Claims 81-159 are pending in the case.

B. Abstract

In the Office Action, the Examiner objected to the Abstract stating that, “ the Abstract is more than 150 words in length and not in a single paragraph format.” The Abstract has been amended. Applicant respectfully requests withdrawal of the objection.

C. The Claims Are Not Obvious In View Of The Cited Art Pursuant To 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 2, 62, 67 and 74 as being unpatentable over U.S. Patent No. 6,014,643 to Minton (hereinafter “Minton”) in view of U.S. Patent No. 6,195,647 to Martyn et al. (hereinafter “Martyn”). Applicant respectfully disagrees with these rejections; however, to expedite examination in the case, claims 1, 2, 62, 67 and 74 have been cancelled. Claims 81-159 have been added. Patentability of claims 81-159 is discussed below.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (CCPA 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580

(C.C.P.A. 1974), MPEP § 2143.03.

New independent claim 81 states:

A method for allowing relatively rapid entry of securities orders into a computer system, the method comprising:
receiving input comprising at least one generic security order preference;
storing at least one generic security order preference in a memory; and
automatically using at least one generic security order preference as a default value in response to a user placing an order for at least one security for which a security-specific order preference has not been defined. (Claim 81).

New independent claims 105 and 130 include similar features. New independent claim 154 states:

A method, comprising:
providing an order placement window for a particular security, wherein the order placement window comprises a plurality of input elements for specifying an order for the particular security;
displaying at least one default value in at least one input element, wherein at least one default value corresponds to an order preference defined for the particular security or a generic order preference if no order preference for the particular security is defined; and
placing an order for the particular security based on information in the order placement window. (claim 154).

New independent claims 158 and 159 include similar features. In rejecting claim 1 (now cancelled), the Examiner stated that:

Minton teaches, A method for allowing relatively rapid entry of securities orders into a computer system, the method comprising: prompting a user to enter into the computer system one or more security-specific order preferences for each of one or more securities (col. 7, lines 32-46 and col. 8 lines 40-48); storing the one or more security-specific order preferences in a memory coupled to the computer system (col. 5, lines 12-45). Minton did not teach, automatically using the one or more security-specific order preferences as default values in response to the user

placing an ordering the computer system for one of the one or more securities.

Martyn discloses, automatically using the one or more security-specific order preference as default values in response to the user placing an order in the computer system for one of the one or more securities (col. 6, lines 40-44 and col. 8 lines 19-33). (Office Action, p. 2-3).

Applicant respectfully submits that the combination of Minton and Martyn does not appear to teach or suggest all of the features new claims 81, 105, 130, 154, 158 or 159. For example, the combination of Minton and Martyn does not appear to teach generic security order preferences. Claim 2 (now cancelled) included the feature of “prompting the user to enter into the computer system one or more generic order preferences for a generic security” In rejecting claim 2 the Examiner stated that:

Minton teaches, generic order preferences for a generic security (col. 10, lines 42-63). Martyn discloses, generic order preferences for a generic security as default values (col.6, lines 42-47 and fig. 4 (4051 & 4053). (Office Action, p. 3)

Applicant respectfully disagrees with the Examiner’s analysis of the teaching of Minton and Martyn. In particular, both Minton and Martyn appear to teach order preferences related to a specific security (i.e., security-specific order preferences). A preference related to generic security differs from a preference related to a specific security in that it may be applied to any security for which not security-specific preference has been identified. In contrast, the portions of Minton cited by the Examiner, col. 10, lines 42-63, states:

At the bottom of pricing screen 500, there is displayed a plurality of buttons. Activation of help button 502 will display another screen containing information on how to make use of the fields in pricing screen 500. Quotes button 504 will display a screen which contains pricing information on the security selected by the user in window 512. Activation of trade screen button 506 will return one to trading screen 400. Finally, close button 508 will close pricing screen 500 and will return the user to the previously displayed screen. Pricing screen 500 is displayed by activating PickaStock button 404, shown in FIG. 4.

FIG. 6 illustrates the screen where information relating to an order to buy a security is entered. Buy screen 600 may be displayed by activating buy button 418 in trading screen 400. From buy screen 600, a user can enter pricing and quantity information for a security they wish to purchase. At the top of buy screen 600 is buy to open button 612, buy to close button 614 and markets button 616. If a user wishes to buy a security to add to their portfolio, buy to open button 612 is activated. If a user wishes to buy to cover a short position, buy to close button 614 is activated. If a user wishes to make a market in a given security, markets button 616 is activated. The ability to make markets in a given security will be illustrated and discussed in a subsequent section of this specification. (Minton, col. 10, lines 42-63, emphasis added).

Neither the cited portion of Minton, nor the remainder of Minton, appears to refer to generic securities. Rather, Minton appears teach order specific securities selected for a transaction. With regard to Martyn, the cited portion states:

After selecting button 4055, a mark in circle 4051 identifies the user as a Market Maker and a mark in circle 4053 identifies the user as an Order Entry Firm. A user can determine the defaults for the status and circles 4051 or 4053 using the Dynamic Quote Setup window described below. Selecting Clear button 4058 deletes all information in text box 4056 and resets circles 4051 and 4053 to their default values. (Martyn, col. 6, lines 42-47)

The cited portion of Martyn refers to Fig. 4, which is also cited by the Examiner. Regarding Fig. 4, Martyn states:

To access the features of Dynamic Quote window 4000, the user types a name of a security in text box 4010. In response, the NWII software fills in various information fields of Dynamic Quote window 4000. In Last text area 4020, the NWII software fills in the last sale information for the identified security. In HiLo text area 4022, the NWII software fills in the high and low offers and bids for the identified security. In Ins text area 4024, the NWII software indicates the inside quote for the security. In Vol text area 4025, the NWII software fills in the volume of the market of the identified security. In PCL text area 4026, the NWII software fills in the previous day's closing price for the selected security. (Martyn, col. 5, line 62 - col. 6, line 7, emphasis added).

Thus, the referenced portion of Martyn (including Fig. 4), as well as the remainder of Martyn, appears directed to methods dealing with specific “identified” securities.

Further, the combination of Minton and Martyn does not appear to teach or suggest the feature of “automatically using at least one generic security order preference as a default value in response to a user placing an order for at least one security for which a security-specific order preference has not been defined” (from claims 81, 105 and 130). Similarly, the combination of Minton and Martyn does not appear to teach or suggest the feature of “displaying at least one default value in at least one input element, wherein at least one default value corresponds to an order preference defined for the particular security or a generic order preference if no order preference for the particular security is defined” (from claims 154, 158 and 159).

For at least the reasons cited above, Applicant submits that neither Minton, nor Martyn, alone or in combination appears to teach or suggest all of the features of claims 81, 105, 130, 154, 158 or 159, alone or in combination with Minton and/or Martyn. Thus, Applicant respectfully submits that independent claims 81, 105, 130, 154, 158 or 159, and claims dependent thereon (i.e., claims 82-104, 106-129, 131-153, and 155-157) are patentable over the combination of Minton and Martyn.

The Examiner also rejected claims 63-66 as being unpatentable over Minton in view of U.S. Patent No. 6,317,728 to Kane (hereinafter “Kane”) and further in view of Martyn. Applicant respectfully disagrees with these rejections; however, to expedite examination in the case, claims 63-66 have been cancelled. Claims 81-159 have been added. Patentability of claims 81-159 with respect to the combination of Minton and Martyn has been previously discussed. Patentability of claims 81-159 with respect to Kane (and the combination of Minton, Kane and Martyn) is discussed below.

Kane appears to be directed to a system for automatically managing a portfolio of securities. For example, Kane states, “In accordance with the invention there is provided a securities trading system based on the principles of artificial intelligence.” (Kane, Abstract) Kane does not appear to teach or suggest all of the features of claims 81, 105, 130, 154, 158 or 159, alone or in combination with Minton and/or Martyn. Thus, Applicant respectfully submits that independent claims 81, 105, 130, 154, 158 or 159, and claims dependent thereon (i.e., claims 82-104, 106-129, 131-153, and 155-157) are patentable over the combination of Minton, Kane and Martyn.

D. Many Of The Dependent Claims Are Separately Patentable

The Examiner is also respectfully requested to separately consider each of the dependent claims for patentability. Many of the dependent claims in addition to those mentioned above are independently patentable.

For example, new claims 97, 122 and 146 state in part, “wherein at least one security-specific order preference for at least one security comprises a default number of shares of at least one security to be traded during a transaction.” In the Office Action, the Examiner rejected several of the dependent claims (i.e., claims 3-32, 52 and 53) as being unpatentable over Minton in view of Official Notice taken. Rejected claim 7 (now cancelled) stated in part, “wherein the security-specific order preferences comprise a number of shares to be traded.” In rejecting claim 7, the Examiner stated that Minton teaches, wherein the security-specific order preferences comprise a number of shares to be traded (col. 11, lines 61-63 and col. 12 lines 26-30). The cited portions of Minton state:

Quantity field 720 allows a user to specify the number of shares they wish to sell. Limit price field 722 allows a user to specify the price at which they wish to sell their security. If the price is less than or equal to the highest price at which another

user is willing to buy the security, the order will be a market order. Conversely, if the selling price specified in limit price field 722 is greater than the highest price at which another user is willing to buy the security, the order will be treated as a limit order. Minimum field 724 allows a user to specify the minimum number of shares that can be sold at one time. (Minton, col. 11, line 61 - col. 12, line 4).

Referring now to FIG. 4, after entering a market order in either buy screen 600 or sell screen 700, the user will be returned to trading screen 400. If the user entered a market buy order, the user will be prompted to select one of the offers to sell in sell window 432. Normally, this would be the offer to sell which has the lowest price. For example, in sell window 432, the lowest price offered to sell is by the user with the user identification TEXCEN. TEXCEN's offer is to sell 15,300 shares of GM at \$38.18. Offers to buy and sell in windows 428 and 432 are arranged according to price. If two offers are entered at the same price, the orders will be sorted according to their size (i.e., number of shares in the order). (Minton, col. 12, lines 21-34).

Both of the cited portions appear to be directed to specifying a number of shares for a specific transaction. However, neither the cited portions of Minton, nor the remainder of Minton appear to teach or suggest the feature of specifying a security-specific order preference comprising a number of shares to be traded (e.g., a default number of shares of a specific security to be traded).

Similarly, claims 8 and 9 (now cancelled) were rejected in view of Minton. Claim 8 stated in part, "wherein the security-specific order preferences comprise a dollar amount." Claim 9 stated in part, "wherein the security-specific order preferences comprise a limit price." Minton does not appear to teach or suggest specifying a security-specific order preference comprising a dollar amount or a limit price.

Claim 10 (now cancelled) stated in part, "wherein the security-specific order references comprise a trailing stop price." In rejecting claim 10 the Examiner stated that, "Official notice is taken that security-specific order preferences comprise a trailing stop price because this is well known in the art of securities trading." Similarly, claims 11 and 12 were rejected as being obvious over the combination of Minton and Official Notice. Applicant respectfully submits that simply

because a “trailing stop price” is known in the art does not indicate that a security-specific order preference comprising a trailing stop price (e.g., a default trailing stop price that may be used to relatively rapidly place an order for a specific security) is known. Whether or not “a particular combination might be ‘obvious to try’ is not a legitimate test of patentability.” *Id.* at 1599, citing *In re Geiger*, 815 F.2d 868, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987) and *In re Goodwin*, 576 F.2d 375, 377, 198 USPQ 871, 881 (CCPA 1981). Consequently, it is not permissible for the Examiner to “use hindsight reconstruction to pick and chose among isolated disclosures in the prior art to deprecate the claimed invention.” *Id.* at 1600.

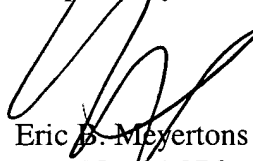
E. Summary

For at least the reasons discussed above, Applicant submits that all claims are in condition for allowance.

Favorable reconsideration is respectfully requested.

A fee authorization in the amount of \$110.00 is enclosed to cover fees for the added claims. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert and Goetzel, P.C. Deposit Account Number 50-1505/5226-00600/EBM

Respectfully submitted,



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